

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

STERLING D. BROWN,

Plaintiff,

-VS-

CASE NO.: 18-CV-922

CITY OF MILWAUKEE, CITY OF  
MILWAUKEE CHIEF OF POLICE  
ALFONSO MORALES, in his  
Official capacity, SERGEANT  
SEAN A. MAHNKE, SERGEANT  
JEFFREY S. KRUEGER, OFFICER  
JOSEPH J. GRAMS, OFFICER  
BOJAN SAMARDZIC, OFFICER  
JAMES P. COLLINS, OFFICER  
CRISTOBAL MARTINEZ AVILA,  
OFFICER ERIK A. ANDRADE and  
OFFICER JASON P. JENSEN,

Defendants.

---

Video Examination of JOSEPH J. GRAMS,  
taken at the instance of the Plaintiff, under and  
pursuant to the provisions of the Federal Rules of  
Civil Procedure, pursuant to Notice of Deposition,  
before SHERYL L. STAWSKI, a Registered Professional  
Reporter and Notary Public, in and for the State of  
Wisconsin, taken at the Office of the City  
Attorney, 841 North Broadway, 7th Floor, Milwaukee,  
Wisconsin, on the 30th day of May, 2019, commencing  
at 1:14 p.m. and concluding at 6:02 p.m.

## A P P E A R A N C E S

GINGRAS, CATES & WACHS, S.C., by  
 MR. MARK L. THOMSEN and MR. SCOTT B. THOMPSON  
 219 North Milwaukee Street  
 Milwaukee, Wisconsin, 53202  
 Appeared on behalf of the Plaintiff.

CITY OF MILWAUKEE,  
 OFFICE OF THE CITY ATTORNEY, by  
 MS. NAOMI E. GEHLING  
 841 North Broadway, 7th Floor  
 Milwaukee, Wisconsin, 53202  
 Appeared on behalf of the Defendants.

ALSO PRESENT: Ms. Stephanie M. Olson, Videographer,  
 Brown & Jones Reporting.

EXAMINATION BY:	PAGE
MR. THOMSEN .....	4

## I N D E X

	MARKED	ID
Exhibits:		
Exhibit 97 - Incident Reports .....	45	46
Exhibit 98 - Preparatory Law Enforcement Officer Training Transcript for Joseph Grams, 12-7-15 .....	50	51
Exhibit 99 - List of Training Records .....	57	58
Exhibit 100 - Draft of Report .....	91	91
Exhibit 101 - Draft of Report .....	92	92
Exhibit 102 - Summary of Alleged Violations ...	99	100
Exhibit 103 - Memo by Sergeant K. Maimin .....	101	102
Exhibit 104 - Document Authored by Lieutenant Stein .....	128	128
Exhibit 105 - Memo .....	148	148
Exhibit 106 - Collection of Documents .....	151	151

1 TRANSCRIPT OF PROCEEDINGS

2 THE VIDEOGRAPHER: We are officially on  
3 the record at 1:14 p m. Today's date is May 30th,  
4 2019.

5 This is disk number one in the  
6 deposition of Joseph Grams. This deposition is  
7 being taken in the matter of Brown versus the City  
8 of Milwaukee.

9 This matter is pending in the United  
10 States District Court in the Eastern District of  
11 Wisconsin. Case Number is 2:18-CV-922.

12 This deposition is taking place at the  
13 office of the City Attorney, located at 841 North  
14 Broadway, Milwaukee, Wisconsin, 53202.

15 My name is Stephanie Olson,  
16 videographer. The court reporter is Sheryl  
17 Stawski.

18 will counsel please state their  
19 appearances and whom they represent beginning with  
20 plaintiff's counsel, and then the reporter will  
21 swear in the witness.

22 MR. THOMSEN: Mark Thomsen and Scott  
23 Thompson appearing on behalf of Mr. Brown.

24 MS. GEHLING: Assistant City Attorney  
25 Naomi Gehling on behalf of all defendants.

1 rights and officers wouldn't act that way?

2 MS. GEHLING: Objection; argumentative,  
3 foundation, calls for speculation. To the extent  
4 that you can, answer it.

5 BY MR. THOMSEN:

6 Q Answer my question.

7 A What's the question?

8 MR. THOMSEN: She'll read it back  
9 example.

10 (The question was read.)

11 MS. GEHLING: Same objections.

12 THE WITNESS: I would say it's a  
13 reasonable request on my part. He didn't do so.

14 BY MR. THOMSEN:

15 Q I got to page 4, and this is the first time -- I  
16 see you said, in quotes, at this time Brown was  
17 within arm's reach which caused me concern for my  
18 safety. Did I read that correctly?

19 A I'm sorry, I'm trying to find that. The last --  
20 it's on the last page.

21 Q It's on page 4 of the second paragraph, first line  
22 in the second paragraph.

23 A Okay. At this time Brown was within arm's reach  
24 which caused me concern for my safety, yes.

25 Q That's the first time I saw that there was ever a

1 reference for your safety.

2 A Okay.

3 Q Am I correct?

4 A I don't know what you see in this report. I mean,  
5 if that's the way you interpret it, that's your  
6 interpretation. I can't tell you what you see.

7 Q How many drafts of this report were done before  
8 this one was actually printed out?

9 MS. GEHLING: Objection; foundation.

10 THE WITNESS: I don't know. I don't  
11 remember.

12 BY MR. THOMSEN:

13 Q Who reviewed your drafts before they -- it ended up  
14 as what's documented now in Exhibit 97?

15 A I think the only person that -- me, that I know of?

16 Q Yeah.

17 A Would be Sergeant Cashaw. He was the sergeant. He  
18 was the lieutenant, they call, in the chair. He  
19 was in charge of the district.

20 Q And what suggestions did he make to you in terms of  
21 adding to your report?

22 MS. GEHLING: Objection; foundation.

23 THE WITNESS: I don't remember that.  
24 I -- I would know that he read it, but I don't  
25 remember anything like that.

1       Because of his aggressive body language and  
2       actions, I felt Brown wanted to get into his  
3       vehicle and flee. Because of this, I called for  
4       another squad to my location.

5       BY MR. THOMSEN:

6       Q   Well, in the official final draft, Exhibit 97, you  
7       had added, in quotes, was within arm's reach which  
8       caused me concern for my safety, right? And that's  
9       nowhere listed in Exhibit 101, right?

10               MS. GEHLING: Objection; argumentative.

11               THE WITNESS: No, that's not listed in  
12       there. I would say it's referred to as -- because  
13       of his aggressive body language and actions that I  
14       felt Brown wanted to get into his vehicle and flee  
15       because he was within 20 -- arm's reach or  
16       24 inches. It states it right there in that  
17       sentence. But the exact distance of 24 inches, no.

18       BY MR. THOMSEN:

19       Q   You stopped to use the restroom, correct?

20       A   Uh-huh.

21       Q   Yes?

22       A   That's correct.

23       Q   Your body cam reports that you told officers on the  
24       scene you wanted to take a piss.

25       A   That's correct.

1 (Above questions were read.)

2 BY MR. THOMSEN:

3 Q And that's -- let's start this. What did they tell  
4 you was inappropriate about your contact with  
5 Mr. Brown?

6 MS. GEHLING: Objection; argumentative  
7 and assumes testimony not given at this deposition.  
8 Please answer.

9 THE WITNESS: At that training, I don't  
10 think they said I did anything wrong. We talked  
11 about what happened on the body camera. What  
12 happened at that scene. But I don't believe -- let  
13 me finish -- but I don't believe they ever said I  
14 did anything wrong. I'm the officer on the scene.  
15 I handled it the way I handled it. And I don't  
16 think I did anything wrong.

17 BY MR. THOMSEN:

18 Q What did they -- what was the discussion about your  
19 body cam about what -- whether you recall them  
20 saying wrong or not, please tell -- please tell the  
21 jury, what was the discussion that took place at  
22 this training about your conduct, sir?

23 MS. GEHLING: Objection; asked and  
24 answered. You can answer it again.

25 THE WITNESS: I really don't have

1 THE WITNESS: They didn't say it was  
2 inappropriate. To my recollection, they did not  
3 say it was inappropriate, and I don't feel it was  
4 inappropriate.

5 I thought it was effective because he  
6 didn't get into his car. He didn't get past me,  
7 and that was the intent; not to get -- not to let  
8 him get past me because he could have been a  
9 fleeing felon.

10 BY MR. THOMSEN:

11 Q What do you mean he could have been "a fleeing  
12 felon"?

13 A Sure.

14 Q Tell me.

15 A Well, my thought was that when he was coming out,  
16 was that, hey, we have a situation; could be an  
17 armed robbery. The car is, as we described before,  
18 positioned for a quick exit. It's the only car in  
19 the whole lot; positioned for a quick exit out of  
20 the parking lot; so a perfect armed robbery car.

21 The car was running. There was a  
22 lookout in the car, and it's positioned to flee  
23 directly out the parking lot.

24 So at that time until we investigated  
25 further, I couldn't let him pass into his car



1 because there could have been dead people in the  
2 walgreens until we verified that; so it worked.  
3 stalled him until other squads could get there.

4 Q When did you first tell any human being that you  
5 said it could have been dead people in the  
6 walgreens?

7 A What's that?

8 Q When is the first time you told anybody that there  
9 could have been dead people in the walgreens?

10 A I think just now. I don't remember -- at the  
11 scene, you mean? I don't think there was anybody I  
12 told that to. I don't recall that anyway.

13 Q What did they tell you about your conduct in  
14 pushing Mr. Brown?

15 MS. GEHLING: Objection; argumentative.

16 BY MR. THOMSEN:

17 Q Let's be very clear. At the remedial training,  
18 what did they tell you about your pushing  
19 Mr. Brown?

20 A Thank you.

21 MS. GEHLING: Objection; argumentative.  
22 Please answer.

23 THE WITNESS: Okay. Yeah, it should  
24 have been more forceful because in that training --  
25 I mean, I tried to keep it from escalating; so I

1 just pushed him with my fingers.

2 That training shows that you strike the  
3 person straight up in the chest very forcefully to  
4 actually move them back. I didn't do that. I  
5 wanted to do try and keep it as low-key as  
6 possible; so that's what I should have done, and I  
7 didn't do it. I didn't strike him like that, which  
8 I should have by the book.

9 BY MR. THOMSEN:

10 Q Did --

11 A Uh-huh.

12 Q Who told you that at the remedial training, that  
13 you should have shoved him?

14 A Well, I don't know if anybody -- I don't know if  
15 anybody told me that, but that's what the DAT book  
16 says.

17 Q My question, sir, was, what did they tell you at  
18 the remedial training about your contact with  
19 Mr. Brown?

20 A I'm not sure if they addressed that or how they  
21 addressed it.

22 Q What else are you going to tell the jury occurred  
23 at this remedial training?

24 A That's what I remember.

25 Q You said that you had talked to Officer Andrade,

1 was out of my hands.

2 Q Lieutenant Stein writes, in quotes, Police Officer  
3 Grams displayed resistive and dismissive behavior  
4 throughout the remedial regarding the ProComm  
5 concepts Police Officer Anderson laid out.

6 what were you dismissing about what  
7 officer Anderson pointed out?

8 MS. GEHLING: Objection; foundation,  
9 calls for speculation.

10 THE WITNESS: I don't think I was  
11 dismissive about it. I just didn't agree with him.

12 BY MR. THOMSEN:

13 Q What didn't you agree with?

14 A That -- he was saying I should have stepped back  
15 and let him get in the car, and I didn't agree with  
16 that; so that's his opinion.

17 Q And the purpose of the remedial training was to try  
18 to have you understand that Mr. Brown has  
19 constitutional rights, correct?

20 MS. GEHLING: Objection; argumentative,  
21 also foundation, calls for speculation.

22 THE WITNESS: I don't know that.  
23 Again, we were there reviewing the body cams.

24 BY MR. THOMSEN:

25 Q Tell me about your ever-changing explanations for

1 A At the session. I don't remember it, but I'm sure  
2 that we played it because they played all the  
3 cameras. I'm sure they were there; so go ahead.

4 And I've seen it since then, as well,  
5 in our office; so whether it was played at the  
6 training or in her office, I've seen it; so go  
7 ahead.

8 Q You're pointing to your lawyer. You watched it in  
9 her office?

10 A Right, we reviewed it.

11 Q When did you watch it in her office?

12 A A couple -- a couple weeks ago, I think. I don't  
13 know. I don't have the exact date.

14 Q Now, I want to go back to the remedial training  
15 when they were talking about your approach to  
16 Mr. Brown. Are you with me?

17 A I'm with you.

18 Q Where did they stop the video?

19 A I have no idea.

20 Q How much did they run before they stopped it?

21 A I have no idea. I have no idea.

22 Q Did they stop it before or after you say "I own  
23 this"?

24 A I have no idea when they stopped that video if, in  
25 fact, they even played it then, but --